

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MARC HAYES

v.

CITY OF PHILADELPHIA, ET AL.

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**CIVIL ACTION
No. 24-797**

ORDER

This 24th day of September, 2024, it is hereby **ORDERED** that Defendants' Motion to Dismiss the Amended Complaint (ECF 12) is **GRANTED** in part and **DENIED** in part, as follows. The Motion is **GRANTED** as unopposed with respect to Count III. The Motion is **DENIED** as to Counts I and II, because the allegations in Plaintiff's Amended Complaint, when viewed in the light most favorable to Plaintiff as required by law, suffice to state a claim.

/s/ Gerald Austin McHugh
United States District Judge